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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

SECURITYNATIONAL MORTGAGE
COMPANY,

Plaintiff,

v.

AURORA BANK FSB (formerly known as
Lehman Brothers Bank, FSB) and AURORA
LOAN SERVICES LLC,

Defendants.

**DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT**

Case No. 2:11-cv-00434

Judge David Nuffer

Defendants Aurora Bank FSB, formerly known as Lehman Brothers Bank, FSB (“LBB”) and Aurora Loan Services LLC (“Aurora”) respectfully submit this motion for summary judgment against Plaintiff SecurityNational Mortgage Company (“SecurityNational”) pursuant to Fed. R. Civ. P. 56. LBB and Aurora seek an order that the Indemnification Agreement between LBB, Aurora and SecurityNational obligates SecurityNational to provide indemnity for losses on loans sold by LBB to Lehman Brothers Holdings, Inc., and that therefore LBB and Aurora did not breach their Indemnification Agreement with SecurityNational and LBB and Aurora were not unjustly enriched.

In support of their cross-motion for summary judgment, LBB and Aurora adopt as their memorandum the memorandum they have filed in opposition to SecurityNational’s motion for summary judgment. They waive their right to file a reply memorandum in support of their cross-motion.

DATED: October 11, 2012

/s/ Matthew D. Spohn

Matthew Spohn

FULBRIGHT & JAWORSKI L.L.P.

Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of October, 2012, I served a copy of the foregoing via the Court's ECF system to the following:

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